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22 **UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA**

24 **SAN FRANCISCO DIVISION**

25 SONOS, INC.,

26 Plaintiff and Counter-  
27 Defendant,

28 vs.

GOOGLE LLC,

Defendant and Counter-  
Claimant.

CASE NO. 3:20-cv-06754-WHA

**DECLARATION OF LINDSAY COOPER  
IN SUPPORT OF GOOGLE LLC'S  
MOTION *IN LIMINE* NO. 2 TO  
PORTIONS OF THE EXPERT REPORT  
AND CERTAIN TESTIMONY OF MR.  
JAMES MALACKOWSKI REGARDING  
DAMAGES**

1 I, Lindsay Cooper, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of California and am admitted to  
3 practice before this Court. I am a partner at the firm of Quinn Emanuel Urquhart & Sullivan, LLP  
4 and am counsel of record for Plaintiff Google LLC (“Google”).

5 2. I provide this declaration in support of Google’s Motion *In Limine* No. 2 to  
6 Exclude Portions of The Expert Report And Certain Testimony of Mr. James Malackowski  
7 Regarding Damages. If called as a witness, I could and would testify competently to the  
8 information contained herein.

9 3. Exhibit 1 is a true and accurate excerpt of the Supplemental Expert Report of Mr.  
10 James Malackowski dated December 9, 2022.

11 4. Exhibit 2 is a true and accurate excerpt of the January 30, 2023 deposition  
12 transcript of James Malackowski.

13 5. Exhibit 3 is a true and accurate excerpt of the August 26, 2022 deposition transcript  
14 of James Malackowski.

15 6. Exhibit 4 is a true and accurate copy of the document bearing the Bates number  
16 SONOS-SVG2-00056406.

17 7. I declare under penalty of perjury under the laws of the United States of America  
18 that to the best of my knowledge the foregoing is true and correct. Executed on April 13, 2023, in  
19 Mill Valley, California.

20  
21  
22 DATED: April 13, 2023

Respectfully submitted,

23  
24 By /s/ Lindsay Cooper  
25 Lindsay Cooper  
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